

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF MAY 11, 2006

Prepared April 20, 2006

ITEM NUMBER: 6

SUBJECT: Reissuance of Clean Water Act Section 301(h)-Modified NPDES Permit, Order No. R3-2006-0019, and Approval of Settlement Agreement, Morro Bay/Cayucos Wastewater Treatment Plant, San Luis Obispo County

The subject item is a continuation of Item No. 9 from the March 24, 2006 meeting. Please refer to that agenda package for the majority of documents related to this subject. Those documents include a proposed settlement agreement, U.S. EPA's Tentative Decision Document, Proposed NPDES Permit (including Monitoring and Reporting Program and Fact Sheet), and submittals by Morro Bay/Cayucos Wastewater Treatment Plant (Discharger), Natural Resources Defense Council (NRDC), and other organizations.

This report is a brief update. The Chairman has admitted the following documents into the record since this item was continued:

- 1) A March 7, 2006, letter from U.S. Fish and Wildlife Service to the Discharger stating that U.S. EPA "has the responsibility to review its proposed activities and determine whether any listed species may be affected..."
- 2) A March 20, 2006, letter from Dr. Woutrina Miller of the UC Davis School of Veterinary Medicine, clarifying the findings of their recent research into fecal protozoa and bacteria present in mussels along the central California coast; and
- 3) An April 3, 2006, submittal by the NRDC, responding to technical responses by the Discharger's marine science consultant.

These documents are included as **Attachments 1, 2, and 3**, respectively.

Also, in an email dated April 19, 2006, U.S. EPA Region IX staff requested the following modification to Section VI. C. 3. j. of the Proposed NPDES Permit:

"The discharge of untreated or partially treated sewage is prohibited pursuant to Central Coast

Water Board Standard Provisions, Prohibition A.4 (Attachment D-1), and shall constitute a violation of these discharge requirements ~~unless the Dischargers demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that the following criteria are met:~~

- i. ~~The discharge was caused by one or more severe natural conditions, including wide-spread flooding, earthquakes, tsunamis, and other similar natural conditions, and;~~
- ii. ~~There were no feasible alternatives to the discharge, such as the use of auxiliary treatment facilities, retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, or an increase in the capacity of the system. This provision is not satisfied if, in the exercise of reasonable engineering judgment, the Dischargers should have installed auxiliary or additional collection system components, wastewater retention or treatment facilities, or adequate back-up equipment, or should have reduced inflow and infiltration."~~

Staff agrees with this modification and recommends it be incorporated into the Proposed NPDES Permit.

Lastly, the Discharger will be holding a public meeting on April 27, 2006, to consider a shorter schedule to upgrade the wastewater treatment plant. If that meeting results in a revised settlement agreement, we will send another update via Supplemental Sheet prior to your May 11, 2006 meeting.

Attachments

S:\NPDES\NPDES Facilities\San Luis Obispo Co\Morro Bay-Cayucos WWTP\NPDES Order No. R3-2006-0019\Proposed Order\SupplementalStaffReport.doc